



Dedicated to Preserving San Jose's Architectural Heritage

October 14, 2014

Harry Freitas, Director
Planning, Building, and Code Enforcement
200 East Santa Clara Street, 3rd Floor
San Jose, CA 95113

Dear Harry:

Regarding the proposed Marshall Squares project proposal (HP14-001), the Preservation Action Council of San Jose (PAC-SJ) supports the concept of a large and dense residential project at the proposed location partially within the St. James Square National Register Historic District. We believe such a project can take important advantage of the St. James Park setting and help revitalize both the park itself and the Historic District. We support the location of the proposed café with outdoor dining, strategically located to increase activity along the perimeter of the park. However, elements of the building, including pedestrian and vehicle entries, do not appear to increase activity in conformance with requirements of the Guidelines.

We are, however, extremely concerned about the project's failure to adequately conform to the St. James Square Historic District Design Guidelines (Guidelines). The Guidelines owes its existence to the City's Historic Ordinance which requires that such guidance be created and that projects in the District cannot be approved unless the Director, or the City Council on appeal, find they conform to those Guidelines.

In addition, the project design does not comply with the Historic Preservation policies of the San Jose General Plan. In particular, it does not meet the standards of LU 13.1, LU 13.7 or LU 13.8. The standard for these sections of the General Plan state that new development within a historic district must preserve the integrity and fabric (LU 13.1), be compatible with the character of the historic district (LU 13.7), and be designed to be sensitive to the character of the historic district (LU 13.8.)

The whole purpose of creating this National Register Historic District and its Guidelines was to assure the survival of the District and its distinctive character. The mantra of the Guidelines is the oft-repeated admonition that any new construction must "enhance the character of the historic resources." The proposed residential and café uses might well enhance the District socially, which is important. But the Guidelines for this District focus on the physical appearance of the District, and seek to assure that its quality and character is preserved. The St. James Historic District is arguably the most important and remarkable Historic District in San Jose and well worth any effort to preserve its special value.

In our opinion, the physical bulk and design of the proposed project seriously threaten the character and value of this Historic District. The project analysis, in the form of a 36-point Comparative Matrix, claims general conformance with the Guidelines and its objectives. The project plans belie those words:

General Character

The St. John Street portion of the project does not conform to the General Character requirements of the St. James Square Design Guidelines:

- **The St. John Street portion of the project has far too much bulk to be “sensitive to and harmonious with the scale of the older buildings.”**

The Guidelines do indeed say that “Buildings should be large in bulk and scale” but it would be ludicrous to infer that meant that a broad seven-story building, nearly at the sidewalk, was intended. The Guidelines point out that the historic buildings within the District vary from two to four stories. The Guidelines were certainly using ‘bulk and scale’ in District-specific terms, not general 2014 Downtown terms. They could not have been promoting such oversized, out of place construction in the District. ‘Conforms’ is not an appropriate conclusion.

- **The Saint John Street elevation is not symmetrical.**

The project Matrix gives itself a “Partially Conforms” for the “should be frontally symmetrical” requirement even though the only symmetrical building element on St. John Street that is symmetrical is the frame of the big white box hoisted two or so stories in the air. And nothing on or within the box, or beneath it, is arranged symmetrically. Since virtually all buildings are ‘boxes’ or series of them, one would have to hypothesize the fanciful buildings of a Frank Gehry before finding something that is not symmetrical by the standards of this analysis.

- **The building does not have massive features.**

The Comparative Matrix gives the project a ‘Conforms’ for “building features should have massive proportions.” The proposed building does not conform; it has no features that are proportionately massive with the possible exception of the east and west sides of the white box. The whole volume of the building is massive alright but its ‘features’ are not. The features are slender, as in the front elevation edges of the box, all of the window frames on the St. John elevation, the relative thinness of the walls (openings in walls not deeply recessed) and the column on the corner. (The appearance of the column has far more in common with soft-story construction than with the classic columns found in the District.) The guidelines use the word ‘massive’ here to mean heavy and substantial, such as heavy, or large dimensioned columns, pilasters, window frames, cornices, staircases, etc.

Site Layout and Setbacks

The project analysis gives itself a ‘Conforms’ for each of the three setback guidelines. It may well conform to the guideline requiring the preservation of pedestrian views of nearby historic buildings; however, it does not conform to the other two:

- **Project does not conform to “surrounding setbacks” requirement.**

The Matrix claim to ‘Conforms’ with respect to setbacks “matching those of surrounding historic structures” is either spurious or simply untrue, depending on the definition of ‘surrounding’. If ‘surrounding’ means ‘adjacent’, it’s not applicable on the St. John frontage because there are no historic structures immediately adjacent to the project. The adjacent Church Hall, with setbacks of 3 feet and 25 feet, is not historic.

If it means ‘located close by’, it can’t possibly be in conformance since all of the nearby historic structures have greater setbacks than the proposed setbacks: the Post Office (20’+) kitty-corner across the street and Trinity Episcopal Church, the neighbor to the east, (setbacks of 10’, 23’ and 30’+/-). From the plan set, proposed project setbacks are at most about 3’ for the big box and about 10’ for the first two stories.

- **Project does not conform to block average setback requirement.**

Considering the above, it’s also clear that the project does not ‘Conform’ to the third guideline which requires new construction to be set-back “to the average setback of the existing historic buildings along the street frontage, not including front entry stairs.” Three feet and 10 feet are not averages of 10, 23 and 30 feet.

- **Project does not conform to guideline prohibiting parking garage access on St. John Street.**

The project technically conforms to two of the parking guidelines but the analysis very properly points out that it does not conform to the guideline requiring that parking lots or structures “should not be accessed from the streets edging the park”. The large garage entry (26 feet wide and 16 feet high) must be relocated away from St. John Street to conform with the Guidelines. Besides the traffic they accommodate, garage access openings are typically the locale for a messy collection of directional and other signs and, perhaps worst of all, are always brilliantly and glaringly lit up at night – not a compatible element in a mid-19th Century to early 20th Century District.

Building Form and Scale.

Under this heading the project conforms to two of the guidelines; limiting roof slopes and “encouraging” courtyards. The project roofs are flat, as is common in Downtown San Jose, and the project does indeed include a courtyard, which is invisible to the street. The project does not conform to the other three more relevant guidelines:

- **The building is higher than the allowable 70-foot height limitation.**

The most important of these is the requirement that building height should “in no case exceed 70 feet” for a lot depth of 137 feet. The portion of the project within the District boundaries is called out at 84 feet high. The project designer apparently arrived at this height by adding one story to the height of the Trinity Episcopal Church steeple, which doesn’t make sense on any front. Using a slender steeple to justify a big, bulky building isn’t reasonable and the project exceeds the ultimate allowable height of 70 feet.

This guideline, together with the setback guidelines, goes a long way toward determining the impact new buildings will have on the whole District. The proposed building would present the tallest, most aggressive building face of any on the Square.

- **The two primary building entries within the District do not front directly on St. John.**

The two primary entries within the District are: a ‘visitors lobby’, at ground level but hidden around the First Street corner and not visible from St. John Street; and a lightly scaled stairway tucked in or around the café. Neither “front directly on” St. John nor appear to be “well defined”; nor are they “massive features.” There is also a very narrow entry, perhaps an emergency exit or utility access, right next to the garage opening on St John, presenting poor visibility for both drivers and pedestrians.

Fenestration, Detailing, Signs and Landscaping.

While the project does conform to some of these guidelines, they tend to be the easiest ones, such as: “windows should reinforce the building design”; “windows should be rectangular”; “windows on first floors should be clear glass”; and proposed residential project signs should be just the name of the project. There is no information about project commercial signs. The matrix does indicate ‘Does Not Conform’ for five Guidelines. For several others, there is not enough information to determine conformance. For the most significant guidelines, there is little, if any, conformance in spite of the Comparison Matrix analysis.

- **Project does not adequately conform to the general intent of the Guidelines regarding windows on St. John Street.**

While windows are rectangular and vertical, in two areas they are aggregated into 2-story high all-glass window walls, are not recessed and are not utilized to reveal the depth of the walls or other features. The Guidelines require “more wall than window area” and specifically exclude glass window walls.

- **Project does not conform to the most relevant “Detailing” Guidelines.**
 - Commercial windows and a glass door, found on any strip mall frontage, were not the intent of “Architectural definition of buildings on their lower levels. This requirement encourages visual interest and human scale.” Something more distinctive was evidently intended.

- Equating the big white box to a cornice is not justifiable and, again, the corner column is more of a distraction than a District unifying element.
 - The project proposes ‘service ports’ inside the St. John garage entry. Is there any guarantee that garbage and recycle bins will be picked up inside the building and not pulled out on the St John frontage for pick up?
 - The Guidelines prohibit lighted signs; the project proposes very large lighted signs, apparently orange ones.
- **As the Comparison Matrix points out, the project conforms to none of the Landscaping Guidelines.**

This failure to conform is primarily a function of the fact that the proposed building effectively has no setbacks on St. John Street. Both setbacks, commensurate with the historic buildings on the square, and landscaping, also commensurate with existing landscaped setbacks, are critical for minimal project compatibility with the District, let alone ‘enhancing the District.’

The ratings of the Comparison Matrix are predominantly, and erroneously, stated as ‘Conforms’ but include several ‘Partially Conforms’ and several ‘Does Not Conform’ ratings. A more candid rating exercise would result in a majority of ‘Does Not Conform’ conclusions and more importantly, would show that nearly all of the fundamentally important Guidelines are not being met. All Guidelines are not created equal.

PAC-SJ urges the developer and the City to revise the St. James Square Historic District portion of the Marshall Squares project to minimally incorporate:

- A height, which is the lesser of one story higher than the Trinity Church gable ridges or the maximum 70 feet, for a lot depth of 137 feet as required by the Guidelines.
- A setback commensurate with the average historic setbacks along this block of St. John Street.
- A building redesign that is more respectful of the District’s historic buildings in terms of presence on the street, quality of materials and detailing, and functions on the St. John frontage. Building materials should be very high quality, as existing historic buildings were and are. Colors should be more subtle than those proposed.
- The elimination of the St. John Street garage entrance.
- Landscaping in the setback area.

In order to draw some more informed conclusions about the project, PAC-SJ requests that the following exhibits be made and be made available:

- Block-by-block elevations of all of the buildings on the four sides of the square with the proposed building elevation pasted in.
- A plan view of all of the existing building setbacks on this block of St. John with the project setbacks pasted in.
- A third party review of the project’s conformance with the Design Guidelines by an independent Architectural Historian.

Additional Adjacent City Landmark

The south end of this project will butt up to the Knights of Columbus (San Jose Ballet) building at 34-40 N. First St. The Knights of Columbus building is a City Landmark and is also eligible for the National Register and the California Register but we find no mention or analysis of the project interface with that building in any project document, including the EIR Addendum. The project interface with this building needs to be specifically considered and improved.

Environmental Review

Environmental review for the proposed project is said to be covered by an Addendum to the Downtown Strategy 2000 Program Environmental Impact Report. EIR Addendums, however, are allowed only to address "minor technical alterations" to an existing EIR. The existing EIR, though, assumes full compliance with the Guidelines, which is not the case with this project. Careful review of the proposed project (see comments above) reveal that the project differs too significantly from 'a project' that was considered in the Downtown Strategy EIR to be addressed as "minor technical alterations." Unless the project is revised to 'conform' with the key guidelines addressed in this letter, it clearly requires a Supplemental EIR to adequately address changes and evaluate impacts.

Conclusion

Thank you for your consideration of the points we have submitted. We believe that these facts call for a revised Marshall Squares project that conforms to those Guidelines that will have the greatest impact on the District, those affecting how the new building relates to, supports and respects the existing historic buildings. It is hoped that a sensitive redesign will result in a handsome building that can take its rightful place on the square.

Sincerely,



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Executive Director

c Councilmember Sam Liccardo
Rebecca Bustos, Project Manager
Sylvia Do, Planning
Martina Davis, Acting Historic Preservation Officer